



ROPS & GRAY LLP
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600
WWW.ROPESGRAY.COM

December 11, 2024

Peter L. Welsh
T +1 617 951 7865
peter.welsh@ropesgray.com

VIA ECF

The Honorable Barbara Moses
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Livevideo.AI Corp. v. Redstone, et al.*, C.A. No. 1:24-cv-06290-DEH-BCM (S.D.N.Y.)

Dear Judge Moses:

We represent defendant National Amusements, Inc. (“NAI”) and write regarding the default that was recently entered against NAI at the request of Plaintiff Livevideo.AI Corp. (“Livevideo”). Dkt. No. 63. Contrary to the claims in Livevideo’s recent filings in support of its application for a default, NAI has never been properly served in this action, including because Livevideo attempted (unsuccessfully) to serve NAI with its second amended complaint, which Your Honor has already rejected as improperly filed. *See* Dkt. Nos. 47, 56, 62. NAI therefore has no obligation to respond to any pleading in this action, and the default should be set aside.

More fundamentally, the claims in the action are frivolous, and the conduct of Plaintiff and its counsel is troubling. Six days after Livevideo filed its original complaint, this Court, *sua sponte*, informed Livevideo that it had not pleaded facts sufficient to establish subject matter jurisdiction because there was no diversity among the parties and the complaint asserted no federal claims. *See* Dkt. No. 15 at 1-2. Livevideo ignored this Court’s concern about diversity. It did, however, attempt to manufacture federal question jurisdiction by adding two baseless federal claims that this Court has already identified as both untethered to the allegations in Plaintiff’s amended complaint and facially deficient. *See* Dkt. No. 46 at 1 nn.1-2. In considering those claims, this Court expressly “remind[ed] plaintiff and its counsel that significant sanctions may be imposed if, *inter alia*, the ‘claims . . . and other legal contentions’ made in a pleading are not ‘warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.’” *Id.* at 2 (quoting Fed. R. Civ. P. 11(b)(2)).

In addition, and as this Court is aware, Livevideo or someone acting on its behalf has littered the docket with filings, including separate affirmations of service on NAI that differ meaningfully, yet were somehow executed on the same day by the same alleged process server (*see* Dkt. Nos. 49, 56), and declarations and certificates that introduce email addresses for Livevideo’s counsel that are

ROPS & GRAY LLP

Hon. Barbara Moses

- 2 -

December 11, 2024

hosted by Proton mail¹ and differ from the contact information previously provided in this case and listed with the state bar (*see, e.g.*, Dkt. Nos. 51, 53, 55, 62).

Although NAI has not been properly served, in the event that Plaintiff properly effects service of an operative complaint on NAI, reserving all rights, NAI will timely respond to the complaint and will vigorously defend against Plaintiff's frivolous case. In the meantime, NAI is at the Court's disposal and is prepared to make any filing that the Court deems appropriate. Counsel for NAI is also available at the Court's convenience for a conference to discuss these matters, should the Court wish to do so.

NAI respectfully requests that the Court set aside the default under Federal Rule of Civil Procedure 55(c) and enter any other orders or relief that it deems necessary. NAI reserves all rights, including to seek sanctions and other appropriate relief against Livevideo, its principal Brad Greenspan,² and its counsel.

Respectfully submitted,

s\ Peter L. Welsh

Peter L. Welsh

cc: Counsel of record

¹ According to *The New York Times*, Proton "provides free software that masks a person's identity and location online." Adam Satariano and Paul Mozur, "Inside the Face-Off Between Russia and a Small Internet Access Firm," *The New York Times*, Dec. 6, 2022, available at <https://www.nytimes.com/2022/12/06/technology/russia-internet-proton-vpn.html>.

² Mr. Greenspan, Livevideo's chief executive officer, is a serial litigant who has misused the court system to air personal grievances and harass perceived enemies. *See, e.g.*, Dkt. No. 35-1 at 3, 64 (attaching emails and court filings from Mr. Greenspan); *Greenspan v. IAC/InterActivCorp*, 14-cv-04187-RMW, 2016 WL 5724972, at *2 (N.D. Cal. Sept. 30, 2016) (discussing Mr. Greenspan's history of "litigat[ing] or attempt[ing] to litigate claims arising out of the MySpace sale in several other cases"). Another federal court has declared Mr. Greenspan a "vexatious litigant," sanctioned him, and ordered him to pay other parties' attorney's fees based on his "practice of filing frivolous motions." *See Greenspan*, 2016 WL 5724972, at *2-3. In another case, Mr. Greenspan impersonated an attorney to make filings under that attorney's name without her permission. *Id.* at *3 (citing Order Denying Mot. to Intervene, Dkt. No. 954, *In re: High-Tech Empl. Antitrust Litig.*, No. 11-CV-02509-LHK (N.D. Cal. July 8, 2014)).